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The Little Book of Plagiarism

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The Little Book of Plagiarism

Description

Review of *The Little Book of Plagiarism* / The Little Book of Plagiarism Posner, Richard A. New York, Pantheon Books, 2007. First.

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The Little Book of Plagiarism

Posted on **September 1, 2007** by **Editor**



By Jeffrey Barlow <barlowj@pacificu.edu>
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The Little Book of Plagiarism

Posner, Richard A.

New York, Pantheon Books, 2007. First.

The subject of this editorial is plagiarism. The discussion here is largely confined to academic cultures. The essay began with a delighted reading of Judge Richard A. Posner's recent work, *The Little Book of Plagiarism*.

This work has much to recommend; it is concise, incisive, and erudite. The author draws upon art, classical and contemporary literature including drama, fiction, and poetry, as well as upon current events, all the while weaving legal cases and issues throughout. To find these three qualities in one work is, unfortunately, uncommon.

All three, however, have marked Judge Posner's career. [1] He has written on the law as it bears upon almost every important contemporary social issue of which one can conceive, from sex to catastrophic terrorist attacks.

To many it may not seem that plagiarism is an "important contemporary social issue". [2] However, to academics, the issue is a critical one. As Professor Irving Hexham has put it:

The practice of plagiarism is a form of academic high treason because it undermines the entire scholarly enterprise. How else do professors decide between a good and a bad student, evaluate a candidate for an academic position, or grant promotion to a fellow faculty member, if not on the basis of the belief that their written work is actually their own work?
[3]

While words such as these may make many readers flashback to the final execution scene in *Braveheart*, thus causing them to doubt Professor Hexham's moral balance, most academics

will respond with a heartfelt “Hear Hear!” and perhaps a concluding harrumph to add emphasis.

Judge Posner, however, should give even the most adamant inquisitor into plagiarism pause. Posner’s very learned and supple dance through Western cultural history makes it evident that plagiarism has not always, nor everywhere, been thought a serious crime, even in academic environs.

To Posner’s largely American and European examples of gray areas with regard to plagiarism, we would add Asian ones. To Asian intellectuals in the Confucian tradition (which would include Chinese, Japanese, Koreans, Vietnamese and many other groups) plagiarism is not a crime but a well-established methodology. One must demonstrate their learning and marshal their arguments by copious copying from their scholastic forbearers.

For the contemporary Chinese or Japanese student, whether at home or abroad, sensitivity to American standards on licit and illicit academic behavior requires great and continual effort on the part of the instructor to inculcate and enforce. And then the instructor often notes that the effort is failing and doing little more than embarrassing the good students while confusing the weaker ones who are now being told to avoid a practice that was hitherto fore a hallmark of successful academic work.

This Chinese example leads us to the relationship between intellectual property disputes, copyright fraud, and plagiarism itself. Might it be that the Chinese are such ardent violators of the first two of these because of their training in the third? Judge Posner suggests that whereas these occasionally touch upon each other, they are substantially different. We conflate them only because of the confused intellectual and legal heritage of plagiarism.

If, as Posner points out, Shakespeare’s audience both expected and looked forward to the creative reworking of familiar themes with familiar characters often speaking familiar lines, why are we now so adamantly opposed to it?

Posner spends considerable time in a short work such as this (116 pages in an elegant 4.5 x 6.5 inch format) defining this term precisely because it has been so fuzzy. As he gives the reader the cultural history of the term and of its evolution into a crime, he continually adds to the definition.

At the last we understand plagiarism to be “...fraudulent copying and fraud tied to reliance and hence to expectations...” (Posner 49; see also 19). The notions of reliance and expectation are critical to Posner’s understanding of the term. Plagiarism, oddly, is not a legal term (Posner 34). It is usually punished as a violation of contract, as when a journalist or a writer is fired for copying, or when a student is punished for violating a school code to which he or she agreed to be bound. But no one can be indicted for plagiarism as such.

But in Posner’s definition, the audience must both rely upon the work for some purpose, such as for grading or promotion in an academic environment, and have an expectation that it is, in fact,

original.

Not all contemporary Western audiences, however, agree that plagiarism is a serious fault. Just as Asian producers sometimes view the Western patent system as another aspect of colonial exploitation, so do some postmodernists view it as a form of domination, usually economically exploitive in its purposes. Deborah Halbert has written upon this issue, [4] as has Rebecca Moore Howard (Posner 95).

Posner reiterates another important point often found in the actual day-to-day incidences of plagiarism. Many professions find it far more shocking when practiced by the unwashed than by highly successful members of their own guild. Posner begins with an amusing discussion of why it is that Judges and Lawyers are not forbidden, but rather expected, to forward the writings of law clerks as their own.

In academia we frequently find examples of successful authors who produce “managed” books—that is researched and largely written by others as work-for-hire on contract but published under the luminaries’ far more commercially attractive names. Not infrequently the drones take short cuts in research and writing, and the stars then forward plagiarism as original work. The evidence that careers were in fact damaged for such events is slim; success here, as elsewhere, mitigates many sins. [5]

Given the fact that plagiarism is certainly impacted by culture, at some times and places admirable, at others akin to treason, how did we get to the present state of affairs? Why does our own highly litigious society view children downloading music, Chinese producers of knockoffs that hardly anyone in their right mind would pay full price for anyway, and student plagiarists all as somehow related?

Posner’s argument is that two important factors have changed over time in the West: the first is that market forces have made originality valuable; to Shakespeare’s audience it was not. To today’s corporation it is critical, because it is the best way to establish that highly desired market niche—preferably even a complete monopoly [6] (Posner 68-73).

A second factor, in the West at least, is the rise of individuality. We insist on seeing the creation of value not as a cumulative process but as the bold stroke of an individual such as Bill Gates who should be rewarded lavishly for his or her creativity.

Why then, given this historical development, with cultures so diverse and so varied in their attitude toward plagiarism, and given the somewhat suspect motives of many who would prosecute it to the fullest possible extent for personal or corporate advantage, should we care about plagiarism?

As an academic, I must answer that we should, though I believe Posner’s hopeful solution to be unrealistic.

Posner believes the web, in the short run, to be a facilitator of plagiarism whether we call it cutting and pasting or the less objectionable, to some at least, “patchwriting” (Posner 95). But in the long run, it will prove to itself be the solution. Posner believes that a technological silver bullet, the rise of counter-plagiarism software and sites, such as turnitin to which he continually refers, [7] will make copying so easy to prove as to effectively prevent future plagiarists.

However, the evidence suggests quite the opposite. A recent article by Justin Pope, “Ethics Breakdowns Simmers in Higher Education,” [8] confirms what most teachers believe. Cheating of all sorts is rampant in academic institutions, and digitally facilitated plagiarism is probably increasing exponentially.

The cause of this increase is certainly in part the ease of copying digital materials. But there are also cultural factors. Students are increasingly working, or working more, to pay for ever higher tuitions. They are busy and must find shortcuts if they are to survive. They take overloads in order to graduate earlier so as to reduce costs, and are often on the verge of total meltdown in their classes.

Too, students are initially persuaded to go to college by parents and institutions who put dollar prices on the eventual return on investment in education. This serves several ends, including justifying students taking on loan burdens which are well over several hundred thousand dollars at elite institutions, and commonly forty to eighty thousand at lower ranking state or private institutions. If the return on a degree is money, the student logically concludes, then cut to the chase, get that ticket as quickly and easily as possible and start accumulating—your loans are certainly doing so.

In addition, students are surrounded by a culture of excess, corruption, dishonesty and manipulation in which calls for individual rectitude come to seem quaint and quixotic. When your leaders and cultural icons continually lie, engage in self-aggrandizement on a breath-taking scale and are frequently caught in the most flagrant examples of hypocrisy, a bit of cutting and pasting seems less than heinous.

This brings us to a point where Posner and I emphatically agree. Certainty of punishment is key to preventing plagiarism, given that professors and institutions are indeed committed to doing so. But all too often, at present, deterrence is more akin to the Chinese analogy of “killing the chicken to scare the monkeys.” That is, finding an easily caught malefactor and flaying them to discourage the potential many others.

Posner points out that the more difficult the crime is to detect or prevent, the more it must be punished. Really sophisticated modes of plagiarism must be dealt with severely. Hence his hope that there is a technological solution which will ultimately prove self-correcting.

But I think Judge Posner out of touch with the teaching load of most of us. Many instructors in higher education commonly teach several hundred students without benefit of teaching

assistants. A total teaching load of fifty students would be light. How are they to “turn it in” and then respond to evidences of cheating when informed that the database finds a student’s work to be 12.5 percent plagiarized? How about a high school teacher with 150 students? Never happen....

I think that the answer is already clear to most of us. We need to exercise the suspicions that our experience engenders in us and pull out a search string from a suspect passage (five words will easily do) and Google it. But the time to demonstrate this process is before the crime is committed, not after. No later than secondary school, students should be shown how easy cheating is to detect, and the lesson should be repeated in each class through the first several years of college.

Students are so naïve in their understanding of the extent, quality, and nature of the web, and so accustomed to a huge age-based gap in ease of use of digital resources that they need to be shown repeatedly that we may not get Youtube, texting or video blogs, but we can find copied prose.

Notes

[1] Posner’s web site found at <http://home.uchicago.edu/~rposner/> lists 35+ books alone, and the list of his articles, presentations, and works in progress scrolls on seemingly indefinitely at: <http://www.law.uchicago.edu/faculty/posner-r/ppw.html>

[2] This piece is going to have a great many notes and many quotation marks if only because, after reading Posner, any writer will be hypersensitive to charges of plagiarism, if perhaps only temporarily so in my case. Here I have used quotation marks not only to avoid self-plagiarism, often encountered in academic writing (See Posner, 41, 64), but primarily to emphasize my point. This note raises another of Posner’ points, the issue of the “awkwardness of acknowledgement” which sometimes complicates issues of possible plagiarism (See Posner 62).

[3] From the very useful web page of Professor Irving Hexham of the Department of Religious Studies at the University of Calgary, Canada. <http://www.ucalgary.ca/~hexham/study/plag.html>;

[4] While I do not have full access to a book review in which she apparently discusses this issue, a summary can be found at: <http://muse.jhu.edu/login?uri=/journals/tae/v009/9.2halbert.html>

[5] Non-academics might find useful insights into the food chain in academia and its relationship to plagiarism in “Forget about academic fraud? Were you sexually harassed?” (Found in downloadable format on Professor Wexham’s very useful website at: <http://www.ucalgary.ca/~hexham/study/plag.html>)

[6] Posner also points out the limitations on originality. Hollywood, for example, is more comfortable with King Kong Part IV than with a truly original concept or unknown writer, let alone

an unknown actor or actress. So we value originality, but only along well-trodden paths.

[7] <http://turnitin.com/static/index.html>

[8] The Oregonian, Monday MAY 21, 2007. AP.

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24 THOUGHTS ON "THE LITTLE BOOK OF PLAGIARISM"

Anibal

on **January 30, 2014 at 8:17 PM** said:

It's a pity you don't have a donate button! I'd definitely donate to this fantastic blog!
I suppose for now i'll settle for book-marking and adding your RSS
feed to my Google account. I look forward to brand new updates and will talk about this
website with my Facebook group.
Talk soon!

make money online right now

on **January 30, 2014 at 10:58 PM** said:

Thank you for the auspicious writeup. It in fact was a amusement
account it. Look advanced to far added agreeable from you!
However, how can we communicate?

lose weight hula hooping

on **January 31, 2014 at 2:52 PM** said:

Does your site have a contact page? I'm having a tough time
locating it but, I'd like to shoot you an email. I've got some
recommendations for your blog you might be interested in hearing.
Either way, great blog and I look forward to seeing it grow over time.

car insurance quotes uk secured home loans loan quotes federal student loan repayment auto insurance premiums eating disorder treatment centers illinois drug rehab commodity option trading rozklad jazdy pkp indiansex4u www cricinfo com weather channel com

on **January 31, 2014 at 8:23 PM** said:

I'd like to find out more? I'd like to find out more details.

Ashlee

on **February 1, 2014 at 1:47 PM** said:

Hi there to every body, it's my first visit of this web site; this web site contains awesome and really good material in support of visitors.

Torsten

on **February 1, 2014 at 3:52 PM** said:

It's amazing to visit this site and reading the views of all colleagues about this post, while I am also keen of getting experience.

facebook zynga

on **February 1, 2014 at 5:54 PM** said:

Hi everyone, it's my first go to see at this website, and piece of writing is actually fruitful in favor of me, keep up posting such articles or reviews.

make money in gta online

on **February 1, 2014 at 6:36 PM** said:

Hi I am so excited I found your blog page, I really found you by accident, while I was browsing on Google for something else, Anyways I am here now and would just like to say thank you for a incredible post and a all round thrilling blog (I also love the theme/design), I don't have time to browse it all at the minute but I have bookmarked it and also added in your RSS feeds, so when I have time I will be back to read a lot more, Please do keep up the great work.

Pam

on **February 1, 2014 at 7:38 PM** said:

I'm gone to inform my little brother, that he should also visit this website on regular basis to take updated from most recent gossip.

Taylor

on **February 1, 2014 at 10:14 PM** said:

I really love your website.. Excellent colors & theme. Did you build this website yourself? Please reply back as I'm hoping to create my own site and want to know where you got this from or what the theme is named. Many thanks!

Oscar

on **February 2, 2014 at 1:36 AM** said:

I always used to study post in news papers but now as I am a user of internet so from now I am using net for posts, thanks to web.

Rosemarieon **February 2, 2014 at 5:02 AM** said:

An impressive share! I've just forwarded this onto a co-worker who had been doing a little research on this. And he actually bought me dinner simply because I discovered it for him... lol. So let me reword this....
Thank YOU for the meal!! But yeah, thanx for spending the time to talk about this topic here on your web site.

Joycelynon **February 2, 2014 at 5:36 AM** said:

Hello! I'm at work surfing around your blog from my new iphone 3gs!

Just wanted to say I love reading your blog and look forward to all your posts!
Carry on the great work!

Mckinleyon **February 2, 2014 at 7:00 AM** said:

I'm gone to say to my little brother, that he should also pay a quick visit this webpage on regular basis to take updated from newest gossip.

tutoring Jobson **February 2, 2014 at 11:57 AM** said:

Thanks for sharing your thoughts about birkenstock shoes
lexington ky
copy
pearl izumi
cranberry
kayaking
fluorescent
igo

seniors
petfinders
lutz florida
sonics
office update
uml
toenail fungus
trust company
counseling degrees
horse racing results
business idea
internet dating services
catastrophic health insurance
mesothelioma doctor
evidence eliminator
highlands ranch co homes for sale
data loggers
metropolitan hotel toronto
www lasvegas com
garland movers
wireless all in one printer
university online education
investment banker
machine embroidery designs
hotel in los angeles
culinary colleges
best card credit
pay per click affiliate
carpet squares
hampton beach casino
at&t cable
mobile printer
campaign tracking
mount kilimanjaro
zolpidem tartrate
medical billing training
debt management credit counseling
online divorce
pph
hp inkjet printers
beijing china
new orleans bed and breakfast
colorado jobs

optimumonline
birthday balloons
political science
doormat
running boards
discount software
lenox hotels
www carnival com
sturgis hotels
vista activation crack
yukon oklahoma
google adword
world cruises
ocho rios hotels
webspace
savannah motels
winter park lodging
metagenics
digital scales
ab lounge xl
four seasons hotels
work online
barracuda web filter
my free credit report com
careone
steelers tickets
acid reflux diet
sea gull lighting
danny gans
independence free
capital one
business mailing lists
mortgage help
careerbuilders com
pizzahut com
cereal
live tv
change password
optifast
baseball games
goldfinger
cisl
restaurants new york

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bishop
track and field
evening
hugo boss
address lookup
scary movie
bob saget
my msn
bow down
red hair
breakfast club
optimistic
bulge
thomas paine
florida today
minnie mouse
devendra banhart
party girl
diction
tower records
dig
pendulum
egyptian
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www voila fr
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mon
best loan
richardson movers
health insurance online
cleveland golf
sleeping bag
animal rescue
road signs
extended network banners
joplin missouri
current news
kgo
adelphi university
la crosse wisconsin
csi ny
playing cards
florida bar
swan
west valley high school
frye
windows live messenger 9.0
soccercenter
grey hound
pga golf
portable tv
kidney disease
linksys wrt54g
hilary swank
hewitt
jelly belly

greed
california second mortgage home loan
mortgage refinance companies
company web site hosting
illinois institute of art
mortgage advice
online real estate class
magnetic business cards
motorhome insurance
eqifax
louisville ky homes for sale
car tires
miles kimball
carthage
terra server
doorbell
movie links
bloomsburg hotels
free money grant
excitement
meade
deseret book
sperry shoes
yohimbe
kokomo
waxahachie texas
imap
www jobs com
hyundai veracruz
wholesale shoes
the raven
far
shots
avn
james stewart
baby books
instapundit
charlemagne
pinks
fleet farm
selenium
darling
norfolk state university

flo
rit
canon sd750
micro
olympia sports
graham
obvious
gov
street maps
modern
tyco
maybelline
really
lunch
humour
break down
making a website
broadway show
oce
ethernet switch
natural male enhancement
online auto loan
top mba programs
toledo oh homes for sale
intrest
mortgage buyer
amerigas. Regards

Leopoldo

on **February 3, 2014 at 2:26 AM** said:

Great article.

Success university coaches

on **February 3, 2014 at 5:03 AM** said:

Hey! I know this is kind of off topic but I was wondering which blog platform are

you using for this website? I'm getting fed up of WordPress because I've had issues with hackers and I'm looking at alternatives for another platform. I would be fantastic if you could point me in the direction of a good platform.

qr code generator website

on **February 3, 2014 at 7:26 AM** said:

If some one desires to be updated with most recent technologies after that he must be visit this site and be up to date daily.

Leandra

on **February 3, 2014 at 3:50 PM** said:

Hi fantastic website! Does running a blog like this take a great deal of work? I've virtually no understanding of programming however I had been hoping to start my own blog soon. Anyways, if you have any suggestions or tips for new blog owners please share. I understand this is off subject but I just needed to ask. Cheers!

business social networking

on **February 4, 2014 at 5:44 AM** said:

Hi colleagues, how is all, and what you desire to say on the topic of this article, in my view its genuinely awesome designed for me.

Sondra

on **February 4, 2014 at 5:56 AM** said:

Hello to every one, it's really a pleasant for me to pay a quick visit this website, it consists of helpful Information.

Work Online

on **February 4, 2014 at 2:42 PM** said:

I am in fact grateful to the holder of this web page who has shared this enormous article at at this place.

Houston

on **February 5, 2014 at 12:15 AM** said:

I think this is one of the most significant information for me. And i am glad reading your article. But should remark on some general things, The web site style is ideal, the articles is really great : D. Good job, cheers

Makeda Calderson

on **February 6, 2014 at 12:10 PM** said:

C'est le meilleur conseil sur ce sujet et que vous avez abordé dans un mode noble